

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

BROADCAST MUSIC, INC.; INTERIOR
MUSIC CORP.; PAUL SIMON MUSIC;
STONE DIAMOND MUSIC CORP.;
ZAWINUL MUSIC; and EMI
BLACKWOOD MUSIC, INC.,

Plaintiffs,

v.

Case No. 6:19-cv-1397-Orl-37EJK

DOMINICK'S TO GO OF WINTER
SPRINGS LLC; MARY COMMESSE;
and DOMINIC COMMESSE,

Defendants.

ORDER

Plaintiffs sued Defendants for copyright infringement of certain musical compositions licensed by Plaintiff Broadcast Music, Inc. (Doc. 1.) Now Plaintiffs move for default judgment against Defendants for \$15,249 in statutory damages, \$3,550 in costs, and a permanent injunction. (Doc. 17 ("**Motion**").) On referral, U.S. Magistrate Judge Embry J. Kidd recommends the Court grant the Motion. (Doc. 18 ("**R&R**").)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no such error, the Court finds the R&R is due to be adopted in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Embry J. Kidd's Report and Recommendation (Doc. 18) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiffs' Motion for Final Default Judgment Against Defendants (Doc. 17) is **GRANTED**.
3. Defendants are liable for copyright infringement of six musical compositions owned and/or licensed by Plaintiffs, which are described in the Schedule attached to the Complaint (Doc. 1-1).
4. The Court **AWARDS** Plaintiffs:
 - a. Statutory damages against Defendants in the amount of \$15,249.00, representing an award of five times the lost licensing fees for the six acts of infringement, pursuant to 17 U.S.C. § 504(c);
 - b. Costs against Defendants in the amount of \$400.00 (filing fee), \$150.00 (process server costs), and \$3,000.00 (reasonable attorneys' fees), totaling \$3,550.00;
 - c. Interest on these awards pursuant to 28 U.S.C. § 1961.
5. Defendants, their agents, servants, employees, and all persons acting under their permission and authority, are **PERMANENTLY ENJOINED AND RESTRAINED** from infringing, in any manner, the copyrighted musical compositions licensed by Plaintiff Broadcast Music, Inc., pursuant to 17 U.S.C. § 502.
6. The Clerk is **DIRECTED** to enter default judgment in favor of Plaintiffs and

against Defendants.

7. The Court **RETAINS** jurisdiction over this action to enforce the judgment granted.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 21, 2020.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record